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CITY OF GREENVILLE

POLICY NO: HR-11

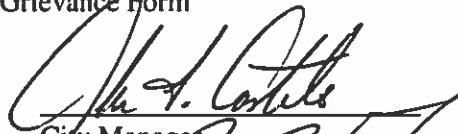
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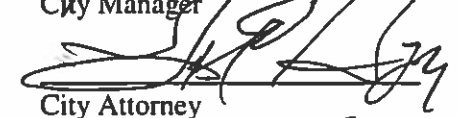
SUBJECT: American Disabilities Act (ADA) Title I and Reasonable Accommodation Guidelines


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APPROVALS:


City Manager


City Attorney


Human Resources Director

I. Purpose

The purpose of this policy is to clarify the rights and responsibilities of the City to individuals with disabilities under Title I of the Americans with Disabilities Act. (ADA). Title I of the ADA protects individuals with disabilities from discrimination in all employment practices.

II. Applicability

This policy applies to all City employment policies and practices.

III. Definitions

- **Disability:** The ADA has a three-part definition of "disability." This definition, based on the definition under the Rehabilitation Act, reflects the specific types of discrimination experienced by people with disabilities. Accordingly, it is not the same as the definition of disability in other laws, such as state Workers' Compensation laws or other federal or state laws that provide benefits for people with disabilities and disabled veterans. Under the ADA, an individual with a disability is a person who:
 - a) Has a physical or mental impairment that substantially limits one or more major life activities;
 - b) Has a record (or past history) of such an impairment; or,
 - c) Is regarded or perceived as having such impairment.
- **Disability-Related Question:** This means a question that is likely to elicit information about a disability.
- **Essential Job Function:** A job function is "essential" when:
 - a) Performance of the function is the reason that the job exists;
 - b) The number of employees available to perform the function is limited;
 - c) The function requires specialized skills;
 - d) The function occupies a large percentage of time; and,
 - e) Failure to perform the function may have serious consequences.
- **Interactive Process:** The timely and good faith process of interacting with an applicant or employee to determine whether effective reasonable accommodations may be made when such individuals with a known disability or voluntarily disclosed disability request a reasonable accommodation.
- **Reasonable Accommodation:** A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges in employment equal to those of employees without disabilities. There are three categories of "reasonable accommodations":

- a) Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or
 - b) Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or
 - c) Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.
- **Qualified Individual.** A "qualified individual" is one who possesses the required training, skills, experience, education or other job-related requirements of the job and who, with or without a reasonable accommodation, can perform the essential functions of the job.
 - **Undue Hardship:** "Undue hardship" means significant difficulty or expense and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. An employer must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship.

IV. Policy

It is the policy of the City of Greenville to abide by all the provisions of the Americans with Disabilities Act and its amendments. This policy specifically addresses the City's rights and responsibilities under Title I of the ADA. The purpose of Title I is to ensure that qualified individuals with disabilities are protected from discrimination on the basis of disability. As long as the individual is qualified for an employment opportunity, she or he cannot be denied that opportunity simply because she or he has a disability, and must, therefore, be given the same consideration for employment that individuals without disabilities are given. The City, within reason, shall remove physical or communication barriers that will enable a qualified disabled person to perform the essential functions of a job. Title I does not require the City to hire all applicants who have disabilities. Under Title I of the ADA, job applicants with disabilities must first:

1. Satisfy the required skill, experience, and education levels required for the position and,
2. Be able to perform the "essential job functions" with or without "reasonable accommodation."

The City will reasonably accommodate a qualified individual with a known disability when the:

- City knows of the disability (obvious or voluntarily disclosed) and has good reason to believe that the disability is preventing the individual from requesting an accommodation.
- Individual requests an accommodation.
- Individual satisfies all of the skills, experience, education, and licensing requirements of the job.

- Individual can perform the essential functions of the job if a reasonable accommodation is made.
- The accommodation is reasonable and does not impose an undue hardship.

The City is committed to providing equal employment opportunities for all employees and applicants for employment with the City regardless of disability. Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability, by a management employee or co-worker is not condoned and will not be tolerated. This policy applies to the job application process and all terms and conditions of employment, including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, and termination.

It is also the policy of the City that harassment of an employee or applicant because of a real or perceived disability or a record of a disability will not be tolerated. All City employees, vendors, independent contractors, temporary workers, and other third parties with whom the City may contract with are expected to comply with this policy and to take appropriate measures to ensure that such conduct does not occur.

All complaints of discrimination on the basis of disability will be promptly and objectively investigated. Any retaliation against a person filing or participating in a discrimination charge or making a discrimination complaint is prohibited. If an employee is found to be in violation of this policy, that employee will be subject to discipline, up to and including discharge.

The City reserves the right to amend or interpret this policy as necessitated by individual circumstances and/or changes in state and federal laws.

V. Procedures

A. Essential Job Functions

The first step in identifying reasonable accommodation is to examine the person's ability to perform each of the "essential job functions" and the physical and mental requirements of the position in question. Essential job functions are the fundamental duties of the job. A job function may be considered essential for any of several reasons, such as:

- The job exists to perform that function.
- The function requires specialized skills or expertise and the person is hired for that expertise.
- There are only a limited number of employees to perform the function.

Clearly defined essential job functions help ensure that the qualification standards do not screen out individuals with disabilities; such standards must be job-related and consistent with business necessity. It is the responsibility of the Human Resources Department to have a current job description on file which identifies the essential functions of a position before a vacancy is advertised or filled.

The essential functions should be described in terms of the results or outcome of a function, not solely on the way it customarily is performed. A reasonable accommodation may enable a person with a disability to accomplish a job function in a manner that is different from the way an employee who is not disabled may accomplish the same function. Equal Employment Opportunity Commission (EEOC) regulation provides a partial list of the factors to be considered when determining if a particular job function is essential. These include:

1. The employer's judgment as to which functions are essential.
2. Written job descriptions prepared before advertising or interviewing applicants for a position.
3. The amount of time spent performing the function. The more time spent on a function, the more likely that it will be considered an essential job function.
4. The consequences of not requiring an incumbent to perform the function. If failure to perform the function has adverse effects, it is likely to be considered an essential job function.
5. Work experience of past incumbents in the job.
6. Current work experience of incumbents in similar jobs.

B. ADA Pre and Post Conditional Job Offer Requirements

Under the ADA, an employer may ask disability-related questions and require medical examinations of an applicant only after the applicant has been given a conditional job offer. This helps ensure that an applicant's possible hidden disability (including a prior history of a disability) is not considered before an employer evaluates an applicant's non-medical qualifications. An employer may not ask disability-related questions or require a medical examination pre-offer even if it intends to look at the answers or results only at the post-offer stage.

Although employers may not ask disability-related questions or require medical examinations at the pre-offer stage, they may do a wide variety of things to evaluate whether an applicant is qualified for the job. The City may ask the applicant:

1. About his or her ability to perform specific job functions. For example, an employer may state the physical requirements of a job (such as the ability to lift a certain amount of weight, or the ability to climb ladders), and ask if an applicant can satisfy these requirements.
2. About an applicant's non-medical qualifications and skills, such as the applicant's education, work history, and required certifications and licenses.
3. To describe or demonstrate how they would perform job tasks.

Once a conditional job offer is made, the employer may ask disability-related questions and require medical examinations as long as this is done for all entering employees in that job category. The job offer may be conditioned on the results of post-offer disability-related questions or medical examinations. At the "post-offer" stage, an employer may ask about an individual's Workers' Compensation history, prior sick leave usage,

illnesses/diseases/impairments, and general physical and mental health. Disability-related questions and medical examinations at the post-offer stage do not have to be related to the job. If the question or examination screens out an individual because of a disability, the employer must demonstrate that the reason for the rejection is "job-related and consistent with business necessity."

In addition, if the individual is screened out for safety reasons, the City must demonstrate that the individual poses a "direct threat." This means that the individual poses a significant risk of substantial harm to him/herself or others, and that the risk cannot be reduced below the direct threat level through reasonable accommodation.

C. Filing a Request for Reasonable Accommodation

Any applicant for employment or current employee with a disability, or his/her representative, may request reasonable accommodation. Individuals may request accommodations in conversation or may use any other mode of communication. Further, in making an initial request, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation." Individuals seeking, or supervisors wanting to provide informally a reasonable accommodation may do so; a formal request must follow if the informal request was rejected.

It is the responsibility of the department representative receiving the accommodation request to provide the requester with a Reasonable Accommodation Request Form (Exhibit A). It is the responsibility of the requester or his/her representative to complete the Reasonable Accommodation Request form in full and submit it to the relevant City department management or to the Human Resources Director. Although the responsibility for requesting the reasonable accommodation rests primarily with the applicant or employee, Department Director, the Human Resources Director, or their designee are available as resources in the preparation, explanation, and dissemination of reasonable accommodation information or technical assistance.

If the employee or applicant request is made to a department supervisor, the supervisor shall report and submit the original accommodation request to the Human Resources Director. The written requests for accommodation must indicate the following:

1. Name, address, and telephone number of the person requesting an accommodation.
2. The specific limitation, the type of accommodation requested, with an explanation of how the accommodation will allow the performance of the essential job functions of the position or participation in an employment related program or activity.
3. Verification of the disability by the requester's physician, medical provider, or vocational/rehabilitation counselor may be required. (If medical verification is required by the person requesting accommodation, the individual must sign a release form (Exhibit B: Authorization for the Release of Medical Information). The Occupational Health Center shall submit the signed release form to the identified medical provider, review all medical information provided, and consult with the affected department regarding the nature of the functional limitations and accommodations.

The Human Resources Department shall provide reasonable accommodation to qualified applicants in the application and any examination process. These accommodations may include providing assistance in filling out the employment application, rescheduling the examination, moving the examination to an alternative location, reading the test to the applicant, providing interpreters, visual aids, enlarged print, extending time lines, etc. Requests for reasonable accommodation must be received by Human Resources at least five (5) business days prior to any employment-related examination or event.

Upon receipt of the completed form, the City representative receiving the request for an accommodation, in consultation with the Human Resources Director, may begin the interactive process as outlined in Section D below. The City representative may take immediate action to accommodate the request or otherwise submit the request to the Human Resources Director for processing.

D. Request for Reasonable Accommodation Medical Documentation

The City is entitled to require the employee/applicant to provide reasonable documentation with regard to the employee/applicant's disability and functional limitations. The City may require documentation to establish that the employee has an ADA disability, and that the disability necessitates a reasonable accommodation. All such requests for documentation shall be job related and consistent with business necessity. An employer cannot ask for documentation when:

- Both the disability and the need for reasonable accommodation are obvious, or
- The individual has already provided the employer with sufficient information to substantiate that she/he has an ADA qualifying disability and needs the reasonable accommodation requested.

In cases where a disability is not obvious, the City may ask for documentation as to the nature, severity, and duration of the impairment; the activity or activities that the impairment limits; and the extent to which the impairment limits the employee's ability to perform the essential functions. If an applicant/employee provides insufficient documentation in response to the City's initial request, the City should explain why the documentation is insufficient and allow the individual an opportunity to provide the missing information in a timely manner. Documentation is insufficient if it does not specify the existence of an ADA disability and explain the need for reasonable accommodation.

If the requested documentation provided to the City is ambiguous or insufficient, the City may require the employee (or applicant) to sign a limited release (Exhibit B: Authorization for the Release of Medical Information) allowing the employer to submit specific, job-related questions to the employee's health care provider and/or may request the employee to submit to a job-related medical examination by a health care provider of the City's choice, at the City's expense. The examination must be limited to determining the existence of an ADA disability and the functional limitations that require reasonable accommodation.

If an applicant or employee's disability or need for reasonable accommodation is not obvious, and she/he refuses to provide the reasonable documentation requested by the City, then she/he is not entitled to reasonable accommodation. However, failure by the City to initiate or participate in an informal dialogue with the individual after receiving a request for reasonable accommodation may result in liability for failure to provide a reasonable accommodation.

E. Reviewing a Request for Reasonable Accommodation

The responsible management representative, in coordination with the Human Resources Director must initiate the interactive process in a timely manner if the individual's disability is known, voluntarily shared and/or an accommodation has been requested. The interactive process is meant to identify the individual's functional limitations and the potential reasonable accommodation that is needed. It does not guarantee that the individual will be given his or her favored accommodation, but that the City will attempt, in good faith, to reach a reasonable and effective accommodation where one can be given without creating an undue hardship. Because of the personal nature of some disability issues, every reasonable effort should be taken to ensure confidentiality during the entire review process.

The determination whether to provide an accommodation will be made on a case-by-case basis and will be based on the type of request, the individual's disability, and the nature of the job. In considering a request for accommodation, department management must complete the Reasonable Accommodation Request Interactive Review Form (Exhibit C).

The following factors are considered:

1. Analyze the job or activity to determine the essential functions. At the initial meeting, the City, using the current Job Description Questionnaire (JDQ) for the position in question, shall review the list of essential job functions with the employee/applicant. All essential job functions identified in the JDQ must satisfy the following criteria:

- Performance of the function is the reason that the job exists;
- The number of employees available to perform the function is limited;
- The function requires specialized skills;
- The function occupies a large percentage of time; and,
- Failure to perform the function may have serious consequences.

Any job functions not meeting these criteria are considered secondary functions. The employee/applicant should be asked to sign a copy of the JDQ.

2. Determine with the employee or applicant how the disability limits their performance of the essential job functions. The goal of this step is to ascertain the precise job-related limitations; discuss how those limitations could be overcome and request appropriate medical documentation. The information requested must:

- Be limited to information about the disability and its functional limitations.
- Only request records where disability is not obvious
- Ask the individual to sign a limited release (Exhibit B) allowing the City to submit a list of specific questions to the healthcare professional

The individual requesting an ADA accommodation must provide reasonable documentation to aid the evaluation. If the employee provides insufficient information from his or her treating physician, the City may require the individual to visit a health care professional of its choice at its expense.

3. Identify potential accommodation options that overcome the limitations and determine the effectiveness and feasibility of the proposed accommodations. The employee will be given opportunity to propose accommodations. The City, in collaboration with the employee, will assess the effectiveness that each proposed accommodation would have in enabling the individual to perform the essential functions of the position.

Reasonable accommodation options may include, but are not limited to, the following:

- a) Allowing part-time work or modifying work schedules.
 - b) Making facilities used by individuals accessible and usable to the disabled.
 - c) Acquiring or modifying equipment or devices.
 - d) Providing assistive equipment.
 - e) Providing qualified readers or interpreters.
 - f) Reassigning or transferring an employee to a vacant position.
 - g) Adjusting or modifying examinations, training materials, or policies.
 - h) Job restructuring (elimination of non-essential tasks, reassignment of marginal job functions to co-workers, altering when/how a function is performed, designing non-traditional procedures for task accomplishments, etc.).
 - i) Implementing flexible leave policies.
4. Select the accommodation that best serves the need of the City and the employee or applicant. At the conclusion of the interactive process, the City shall document its understanding of:
 - a) The types and scope of the employee's disability.
 - b) The likely impact of the disability on the employee's ability to perform the essential functions of his/her job.
 - c) The accommodations that were considered.
 - d) The outcome of the meeting; that is, was an accommodation selected or was a further meeting scheduled.

Considering the requester's preference, the department, in consultation with the Human Resources Director, shall select the accommodation most appropriate for the requester and the department. The City may not compel an individual with a disability to use an accommodation that is not necessary to perform the job. If a reasonable accommodation cannot be made, the reason why it cannot be made needs to be documented in the review form.

The City's obligation to engage in the interactive process extends beyond the first attempt at accommodation. The obligation continues when the employee asks for a different accommodation or where the City is aware that the initial accommodation is failing and further accommodation is needed.

F. Undue Hardship

The only statutory limitation on an employer's obligation to provide "reasonable accommodation" is that no such change or modification is required if it would cause "undue hardship" to the employer. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

The City must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. Before an individual is denied an employment opportunity because the accommodation required would pose an undue hardship, the City's assigned personnel must consider the following:

- a) Nature and cost of the accommodation,
- b) Impact of the accommodation on the facility,
- c) Impact of the accommodation on other employees' ability to perform duties,
- d) Impact of the accommodation on the ability to conduct business or provide services,
- e) Overall financial impact on the City,
- f) The effect on expenses and resources, and
- g) The function, structure and type of operation of the Department/Division or program/activity.

G. Notification of Reasonable Accommodation Decision

The determination whether to provide an accommodation will be made on a case-by-case basis following the interactive review process. The review process, concluding with the approval or denial of the recommendation, shall be completed within fifteen (15) business days from the date of the request, unless the requester and the department agree to an extension of time or an extension of time is needed to adequately address the request. The Department Director or his/her designee, in coordination with the Human Resources Director, shall notify the requester of the City's decision.

If the reasonable accommodation is approved, the Department shall provide the accommodation without delay.

1. Safety Issues. All City employees are required to comply with all workplace safety standards. The City is committed to providing a safe work environment for all of its employees. Any applicant who poses a direct threat to the health or safety of themselves or other individuals in the workplace that cannot be eliminated by a reasonable accommodation will not be employed in that position. Similarly, current employees who become disabled and pose a direct threat to themselves or others, which threat may not be eliminated by reasonable accommodation, will be placed on an appropriate leave. An attempt will be made to place applicants and employees in positions for which they are qualified and in which they do not pose a direct threat to the safety of themselves or others. If a suitable position is not available, the employee will be administratively terminated.
2. Payment of the Cost of an Accommodation. The cost of an accommodation is the responsibility of the Department/Division for which the employee works or the program/activity originates.
3. Applicant or Employee Provided Equipment or Devices. Qualified applicants, employees, or participants who wish to bring equipment or devices that would facilitate their performing the essential functions of the job or participation in the program/activity may be allowed to do so unless the equipment/device is unsafe for the job performed or unreasonably disruptive to the workplace or program/activity.

H. Transfers/Reassignments

In cases where an employee is unable to continue performing, with or without accommodations, the essential functions of the position due to a permanent disability, the Disability Management Committee may review each situation on a case-by-case basis and attempt to transfer or reassign the employee to a vacant position within the employee's department or division.

If a position is available, the Human Resources Director along with the Department Director will effectuate a transfer. If unable to place the disabled employee within the employee's Department/Division, the Human Resources Director will evaluate the vacancies available throughout the City in an effort to identify a position for which the employee may qualify or where the disability can be reasonably accommodated. During this time, the employee may be placed on administrative leave without pay while the City attempts to place the employee in another position.

I. Administrative Termination

If an alternative position for an employee is not found in response to a reasonable accommodation request, the employee shall be administratively terminated. If the City demonstrates that an accommodation will result in an undue hardship, the employee may be terminated or an applicant rejected.

The only statutory limitation on an employer's obligation to provide "reasonable accommodation" is that no such change or modification is required if it would cause "undue hardship" to the employer. Undue hardship refers not only to financial difficulty, but to reasonable accommodations that are unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business.

The City must assess on a case-by-case basis whether a particular reasonable accommodation would cause undue hardship. Before an individual is denied an employment opportunity because the accommodation required would pose an undue hardship, the City's assigned personnel must consider the following:

- Nature and cost of the accommodation,
- Impact of the accommodation on the facility,
- Impact of the accommodation on other employees' ability to perform duties,
- Impact of the accommodation on the ability to conduct business or provide services,
- Overall financial impact on the City,
- The effect on expenses and resources, and
- The function, structure and type of operation of the Department/Division or program/activity.

J. Appeal Process

Employees or applicants may appeal a City department's decisions on reasonable accommodation to the Human Resources Director. All appeals must be submitted by the applicant or employee within thirty (30) business days from the date of notification of the City's decision. The Human Resources Director shall convene a meeting of the Disability Management Committee within ten (10) business days of receipt of the appeal to review the matter and make a final decision. The Department shall provide all necessary information to facilitate this review. The City Manager will inform the employee or applicant of the Committee's decision.

The decision of the Disability Management Committee for employees or applicant may be appealed to the City Manager. All appeals to the City Manager must be in writing and submitted within five (5) business days of notification of the Disability Management Committee by the Human Resources Director. Within 5 business days upon receipt of the requester's written appeal, the Human Resources Director shall forward all related documents to the City Manager. The decision of the City Manager, to be given to the Human Resources Director within five (5) business days of notification, is the final determination on an internal appeal. The Human Resources Director will notify the requester of the City Manager's decision.

K. Recordkeeping Requirements

Under ADA, the City must maintain records, such as requests for reasonable accommodations, job application forms, and other records related to hiring, promotion, demotion, transfer, lay-off or termination, rates of pay or other terms of compensation, and selection for training, for three (3) years after making records or the date personnel actions were taken, whichever occurs later.

1. **Confidentiality of Medical Records.** All employee medical records are confidential and will be kept separate from employee personnel records. All medical records, requests for reasonable accommodations will be kept confidential as required by law, except to the extent necessary to effectuate the reasonable accommodation. When a reasonable accommodation has been given to an employee with a disability pursuant to this policy neither the accommodation made nor shall the reason for the accommodation be discussed with co-workers or other employees by department management or other supervisory personnel. If asked why a job modification has been made, the responding supervisor, department head, etc. shall respond that the modification was made in compliance with state and federal laws, which also strictly prohibit disclosure of any further information.

The following exceptions may apply with regard to confidential medical records, conditions or accommodations:

- Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodation;
- First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
- Government official's investigation in compliance with the ADA shall be provided relevant information on request.

Results of pre-employment medical examinations, including drug tests, will be subject to the above confidentiality provisions. The City's Occupational Health Clinic shall safeguard records of any physical or medical examinations for employment and requests for reasonable accommodation in a separate file from the personnel records.

2. **Complaint-Related Records.** The City shall retain any records relating to complaints of disability discrimination filed with the EEOC or lawsuits filed by the EEOC for a period of 3 years past the final disposition of the complaints or lawsuits. Such records can include all records related to application forms or test papers completed for a job position that is disputed or all records related to personnel who hold positions similar to a job position that is disputed.

L. Coordination with Other Policies

This policy regarding qualified individuals with disabilities will be coordinated with all other City policies such as safety, workplace violence prevention, drug testing, flexible work schedules, leave, etc. This policy will also be coordinated with other applicable laws such as the Family Medical Leave Act, the Worker's Compensation law, as well as Civil Rights laws.

M. Roles and Responsibilities

1. Applicant/Employee

- Complete in full and submit the Reasonable Accommodation Request Form (Exhibit A) to the Human Resources Director.
- Cooperate with City to obtain sufficient information to process accommodation request.
- As deemed appropriate and necessary, submit to a job-related medical examination by a health care provider of the City's choice and at the City's expense necessary to rule on a reasonable accommodation.

2. Department Management

- Ensure all employees under their direction are informed of this City policy.
- Work with Human Resources to ensure all department position descriptions are current.
- Ensure hiring manager/interview panel does not ask job applicants or current employees about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions.
- In coordination with Human Resources Director, engage employee/applicant in the interactive process to determine the nature of their reasonable accommodation requests.
- Report accommodation requests to Human Resources Director. Do not ignore a reasonable accommodation request.
- Ensure Reasonable Accommodation Request form is completed and submitted to Human Resources Director.
- Take reasonable precautions to protect the confidentiality of the applicant/employee.
- Work with applicant or employee, Human Resources to provide reasonable accommodations.
- Operate programs, activities and services so that they are readily accessible to and usable by individuals with disabilities.
- Furnish auxiliary aids and services, when necessary, to ensure effective communication, unless doing so would result in a fundamental alteration or undue burden.
- Ensure that individuals with disabilities are not excluded from services, programs or activities because buildings are inaccessible.
- Ensure that any instances or allegations of discrimination or retaliation are immediately reported to the Human Resources Director or her designee.
- Take reasonable precautions to protect the confidentiality of the applicant/employee.

3. Human Resources

- Ensure compliance with this policy.
- Maintain current job descriptions on file which identify the essential functions of a position before a vacancy is advertised or filled.
- As necessary, convene Disability Management Committee to review and decide reasonable accommodation requests on a case-by-case basis.
- Evaluate job vacancies available throughout the City in an effort to identify a position

for which the employee may qualify or where the disability can be reasonably accommodated.

- Track all reasonable accommodation requests and their disposition.
- Work with Risk Manager, departments, and City Attorney's Office to assess undue hardships to the City.
- In coordination with Risk Manager, process any applicant/employee ADA appeals within required time frames.
- Coordinate appeal request and participate in appeal hearings.
- In consultation with Disability Management Committee, issue administrative terminations if appropriate.
- In coordination with ADA Coordinator and the City Attorney's Office, investigate any allegations of discrimination or retaliation.
- Ensure all reasonable accommodations records are maintained as required by ADA.
- Maintain separate records for any EEOC complaints and disability investigations related to employment.
- Take reasonable precautions to protect the confidentiality of the applicant/employee.
- Ensure the security of all accommodation requests and records.

3. Risk Manager

- Ensure compliance with this policy.
- Work with Human Resources and City departments to process and determine reasonable accommodation requests.
- Work with Human Resources Director, departments, and the City Attorney's Office to assess undue hardships to the City.
- Participate in appeal hearings.
- In coordination with Human Resources Director, investigate any allegations of discrimination or retaliation.
- Take reasonable precautions to protect the confidentiality of the applicant/employee.

4. Occupational Health Center

- As necessary and appropriate, work with applicant/employee to obtain required medical documentation of disability related to the ability to perform essential job function.
- Ensure any medical examination required and conducted by the City or designated medical provider is job related and consistent with business necessity.
- Ensure payment for the above services is at City expense.
- Take reasonable precautions to protect the confidentiality of the applicant/employee.
- Maintain all reasonable accommodation records and ensure their security.

5. City Manager

- Ensure compliance with this policy.
- Provide final determination on appeals.



Revised: 11/7/14; Replaces: 9/10/14

Exhibit A

City of Greenville
Employee/Applicant Reasonable Accommodation Request Form

Check one: ☐ City Employee—Please indicate: Job Title: _____ Department: _____
☐ Applicant for Employment –Please indicate position: _____
☐ Other—Please explain.

Is your accommodation request time sensitive? ☐ No ☐ Yes
If yes, please explain.

A. Questions to document the reason for accommodation request.

Please identify the position, examination, service, activity for which the accommodation is needed:

What, if any, job function are you having difficulty performing?

What, if any, employment benefit are you having difficulty accessing?

What limitation is interfering with your ability to perform your job or access an employment benefit?

B. Questions to clarify accommodation requested.

Please indicate the nature of your qualifying disability for which you are seeking a reasonable accommodation:

☐ Speech ☐ Hearing ☐ Visual ☐ Mobility ☐ Mental/Emotional ☐ Other (Explain):

What specific accommodation are you requesting? (Describe the type of accommodation: If it is a purchasable item, list model, number, cost, where it can be obtained etc.; suggestions for work site or site modifications or specific job duties which may be restructured or share to facilitate employment, participate in an employment examinations etc.)

If you are requesting a specific accommodation, how will that accommodation assist you?

C. Employee/Applicant Certification:

I certify that I have a disability or medical condition that requires reasonable accommodation, which will be met by acquiring the equipment, services, or work adjustments described above. Print Name:

Name (Print): _____ Signature: _____ Date: _____

Contact information: Home Phone: _____

Work Phone: _____

Cell Phone: _____

E-mail: _____

Send signed form to the Human Resources Director immediately upon completion.



Revised: 11/7/14; Replaces: 9/10/14

Exhibit B

City of Greenville
ADA Authorization for Release of Medical Information

TO: _____		
Name of Medical Provider		

Address		

City	State	Zip Code

RE: _____		
Name of Patient		Birth Date
_____		_____
Address		

City	State	Zip Code

I hereby authorize _____
Medical Provider

To disclose to City of Greenville Human Resources, or any person who is authorized by my employer to handle medical information for ADA purposes, any information concerning my physical or mental condition, that is necessary to determine whether I have a disability and to determine whether any accommodations can be made.

I also authorize City of Greenville Human Resources, or any person who is authorized by my employer to handle medical information for ADA purposes, to speak to my treating physician or health care provider directly in regards to any questions he/she may have with respect to my condition that relates to the performance of the essentials functions of my job and any accommodations that may be necessary.

I understand that the requested data is for the above-mentioned purposes, and that I may refuse to provide the requested medical information. However, I understand that if I refuse to provide the information, my employer may refuse to provide reasonable accommodation.

This authorization is valid for one year from the date indicated below or upon receipt of my signed written notice to withdraw my consent. A photocopy is as valid as an original.

_____ Signature of Patient	_____ Date
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City of Greenville Reasonable Accommodation Interactive Request Review Form

Instructions: Prior to meeting with the employee:

- Review the employee's current job description and any available physical job analysis for the position in question.
- Identify the essential and non-essential functions of the job duties and purpose for which the job exists.
- Review any medical documentation concerning the worker's condition and functional work limitations.

The completed review form must be forwarded to the Human Resources Director for tracking and proper recordkeeping.

Name of Requester:	Date of Interactive Review:
Check One: <input type="checkbox"/> Currently a City of Greenville Employee <input type="checkbox"/> Job Applicant	
A. What is the employee's job or the position for which the applicant is applying? 	
B. What are the essential functions of the job? 	
C. What are the job-related limitations imposed by the employee's/applicant's disability? (Obtain the employee/applicant's description of his or her limitations) 	
D. Was a request for medical information form sent to the applicant's /employee's physician/medical provider/vocational/rehabilitation counselor by the City's Occupational Health Center? <input type="checkbox"/> No <input type="checkbox"/> Yes, If yes, specify date: _____	
E. Has the Occupational Health Center received and reviewed the medical information request form? <input type="checkbox"/> No <input type="checkbox"/> Yes (Explain).	
F. List the accommodation options discussed, identified, and specify how each accommodation will effectively enable the employee or applicant to perform the essential functions of the job in question. Consider the following possible accommodations: physical modifications to the workspace, acquisition of equipment or devices; job restructuring (e.g., if the employee cannot sit for more than 30 minutes at a time, then giving the employee a break to stand or walk for the prescribed period of time before they resume sitting would be an accommodation; modified work schedule; adjustment or modification of examinations (e.g., more time to take an exam), training materials or policies; providing qualified readers or signers; reassignment to a vacant position for which the employee is qualified.)	

G. Are any of the above accommodations reasonable? (List the accommodation, assess if reasonable and if not, why not, e.g., accommodation would eliminate reason for position or essential functions of job; impact on operations and ability of other employees to perform their duties and facility's ability to conduct business; excessive cost).

H. What reasonable accommodation did the Department select?

I. What accommodation does the requester prefer?

J. REQUEST FOR REASONABLE ACCOMMODATION: ☐ GRANTED ☐ DENIED

If granted, indicate what accommodation will be provided. If denied, explain the rationale for the decision.

Date Request Review Completed:

Signature: _____
Department Director/Division Manager

Signature: _____
Human Resources Director



Revised: 11/7/14; Replaces: 9/10/14

Exhibit D

**City of Greenville
Americans with Disabilities Act (Title I)
Grievance Form**

Name of Grievant: _____ Today's Date: _____

Address of Grievant: _____

Telephone Number of Grievant: _____ E-mail: _____

Name, Address, Telephone Number, E-mail of Alternate Contact Person

Disability Statement:

My disability is:

Proposed Access or Accommodation:

Include a description of the accommodation requested and the response you received. Include a statement as to how your requested accommodation could allow access or enable you to participate in the benefits of any employment opportunities, services, program or activity.

Incident or Barrier:

Please describe the particular way in which you believe you have been denied the benefits of any employment opportunities, services, program, or activity or have otherwise been subjected to discrimination. Please specify dates, times, and places of incidents, and names and/or positions of City employees involved, if any, as well as names, addresses and telephone numbers of any eyewitnesses to any such incident. Attach additional pages if necessary.

Employee /Applicant Certification:

I certify that the above statements are accurate and filled out to the best of my ability and knowledge.

Signature

Date

Fax this form to 864-467-5722 or Mail to:

Human Resources Director
Human Resources Department
City of Greenville
PO Box 2207
Greenville, SC 29602